

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

TEAMSTERS LOCAL 350,

Petitioner,

V.

NATIONAL LABOR RELATIONS
BOARD,

Respondent.

Case No. 21-1093

**NOT YET SCHEDULED
FOR ORAL ARGUMENT**

**MOTION TO INTERVENE OF
BROWNING-FERRIS INDUSTRIES OF CALIFORNIA, INC.
D/B/A NEWBY ISLAND RECYCLERY**

Pursuant to Federal Rules of Appellate Procedure 15(d) and Circuit Rule 15(d), Browning-Ferris Industries of California, Inc. d/b/a Newby Island Recyclery (“BFI”) moves to intervene in this action seeking review of the National Labor Relations Board’s (“NLRB”) Decisions and Orders dated July 29, 2020 and February 11, 2021, and reported at 369 NLRB No. 139 and 370 NLRB No. 86 respectively. In support of its motion, BFI states as follows:

1. BFI was the successful charged party before the NLRB with respect to Orders for which Petitioner seeks review.

2. As a successful charged party in the underlying NLRB proceedings, BFI is entitled to intervene in the Petition for Review filed by Teamsters Local 350. *See Auto Workers v. Scofield*, 382 U.S. 205, 208 (1965) (“Congress intended to confer intervention rights upon the successful party to the Labor Board proceedings in the court in which the unsuccessful party challenges the Board’s decision.”).

3. This motion to intervene is timely filed within 30 days of Teamsters Local 350 filing its Petition for Review.

CONCLUSION

For the foregoing reasons, BFI respectfully requests that this Court grant its Motion to Intervene.

Dated: April 2, 2021

Respectfully submitted,

/s/Joshua L. Ditelberg

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*Counsel for Browning-Ferris
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d/b/a Newby Island Recyclery*

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, Browning-Ferris Industries of California, Inc. d/b/a Newby Island Recyclery certifies the following:

Browning-Ferris Industries of California, Inc. is a California corporation engaged in non-hazardous solid waste management.

Browning-Ferris Industries of California, Inc. is a wholly-owned subsidiary of Browning-Ferris Industries, LLC.

Browning-Ferris Industries, LLC is a wholly-owned subsidiary of Allied Waste North America, LLC.

Allied Waste North America, LLC is a wholly-owned subsidiary of Allied Waste Industries, LLC.

Allied Waste Industries, LLC is a wholly-owned subsidiary of Republic Services, Inc., which is a publicly-held corporation.

Dated: April 2, 2021

Respectfully submitted,

/s/Joshua L. Ditelberg

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CERTIFICATE OF PARTIES AND AMICI CURIAE

Pursuant to D.C. Circuit Rules 27(a)(4) and 28(a)(1)(A)-(B), BFI submits the following certificate:

Parties, Intervenors and Amici

The following are the parties, proposed intervenors, and amici in this action:

Petitioner Teamsters Local 350

Respondent National Labor Relations Board

Proposed Intervenor Browning-Ferris Industries of California, Inc. d/b/a Newby Island Recyclery

Orders and Actions Under Review

Browning-Ferris Industries of California, Inc. d/b/a Newby Island Recyclery, et al., 370 NLRB No. 86 (February 11, 2021) and 369 NLRB No. 139 (July 29, 2020).

/s/ Joshua L. Ditelberg
Joshua L. Ditelberg

**CERTIFICATE OF COMPLIANCE
WITH TYPEFACE AND WORD-COUNT LIMITATIONS**

I, Joshua L. Ditelberg, counsel for the proposed Intervenor and a member of the Bar of this Court, certify pursuant to Federal Rule of Appellate Procedure 32(g)(1) that the foregoing Motion to Intervene complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 201 words. The foregoing Motion complies with the typeface and type style requirements of Fed. R. App. P. 32(a)(5)-(6) because it was prepared in proportionally-spaced typeface using Microsoft Word in 14-point Century font.

/s/ Joshua L. Ditelberg
Joshua L. Ditelberg

CERTIFICATE OF SERVICE

I, Joshua L. Ditelberg, counsel for the proposed intervenor and a member of the Bar of this Court, certify that on April 2, 2021, I caused a copy of the attached Motion to Intervene of Browning-Ferris Industries of California, Inc., d/b/a BFI Newby Island Recyclery to be filed electronically with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit through the Court's CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users, and that the attached Motion to Intervene has been mailed by first-class United States mail, postage prepaid, to the following non-CM/ECF participants:

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/s/ Joshua L. Ditelberg
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